

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 5282 of 2004

Between:

B.Narasimhulu, S/o Sri Shivaiah,
R/o Roopkhanpet Village, Pargi Mandal, Ranga Reddy

District.

..... PETITIONER

AND

The Joint Collector, Rangareddy District,
Lakdikapool, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or an order or a Writ more particularly one in the nature of Writ of Mandamus directing the respondent to take appropriate action after due enquiry to stop the illegal construction in the public passage situated in between Sy.Nos.446 and 284 of Pargi Village, Pargi Mandal, Rangareddy District in pursuance of the complaint lodged on 15-3-2004 and pass such appropriate orders as fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.LINGAYYA CHOWDARY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following at the stage of admission :

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ORAL ORDER

Except alleging that there is a public passage in between Survey Nos.446 and 284 and one Mukunder Reddy is constructing a house in the passage adjacent to the Survey No.446, which is a public place, no other averments are made to show how the rights of the public are jeopardized by virtue of construction work undertaken by the said Mukunder Reddy . Even the complaint made to the Joint Collector that the neighboring farmers are put to hardship to enter into their respective lands, even though the construction work is proceeded. More over, how the petitioner is interested to safe guard the interest of general public, was not disclosed. In view of the above, the present writ petition filed under the guise of public interest cannot be entertained. Moreover in absence of including the affected party against whom action is proposed to be taken, the petitioner is not entitled for the relief as prayed for.

Under those circumstances, I do not see any merits in the writ petition and writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

A.GOPAL REDDY,J

*TSNR/GHN

To

1. The Joint Collector, Rangareddy District,
Lakdikapool, Hyderabad.

2. Two C.D.Copies